

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

MARCEA SENDEN,)	
)	
Plaintiff,)	
)	
v.)	<u>AMENDED COMPLAINT FOR NEGLIGENCE</u>
)	
SAFEWAY, INC.,)	
)	
Defendant.)	Case No. 3AN-10-9878 CI
_____)	

Plaintiff, MARCEA SENDEN, by and through her attorneys, Joe P. Josephson of Josephson Law Office, LLC and Jody A. Reausaw, of Law Office of Jody A. Reausaw, for her complaint against defendant, SAFEWAY, INC, respectfully shows:

1. Plaintiff is a resident and inhabitant of the Third Judicial District, living within the Municipality of Anchorage.

2. Defendant operates approximately ten retail stores within the Municipality of Anchorage, including business premises known as the "Huffman Shopping Center".

3. On or about the 18th day of July, 2010, in the early afternoon, plaintiff was shopping at the Huffman Shopping Center.

4. At that place and time, the defendant, and its agents and employees, had negligently allowed standing water to gather on the floor by a cooling unit, creating an unsafe condition in a place where customer traffic was foreseeable.

5. The defendant negligently failed either to remove the water on the floor or to post warning notices or barriers so to prevent foot customer traffic over the wet surface or to alert customers of the unsafe condition.

6. As a direct, natural, foreseeable, immediate, and proximate consequence of the negligence described above, plaintiff fell to the floor, causing serious injury to her right shoulder. The exact extent and duration of the injury is not ascertainable as of the date hereof, but will be proved at trial.

7. At the date and time of her fall, plaintiff's right shoulder was particularly vulnerable to traumatic injury, because plaintiff's shoulder (rotator cuff) had been previously operated on, and plaintiff had just completed or was about to complete an intensive course of physical therapy as directed by her surgeon.

8. As a further direct, natural, foreseeable, immediate and proximate consequence of defendant's negligence, plaintiff has suffered, continues to suffer, and will suffer in future from great pain of body and mind.

9. Plaintiff is employed by the Anchorage School District as an elementary school teacher. She is scheduled to return to classroom duty later this month, at the commencement of the 2009-2010 school year.

10. Because of the fall she sustained by reason of the defendant's negligence, she is unable to use her right arm and hand in her work, including but not limited to the operation of a computer or other word processor so as to be able to create reports, including grades, which are intrinsic aspects of her job. As a consequence, plaintiff may sustain loss of income, the extent and duration of which cannot be calculated at this time but which will be proved at trial. Plaintiff will also incur costs for medical treatment and rehabilitative physical therapy.

11. Plaintiff enjoys athletics, e.g., golf. Plaintiff foresees that the fall she suffered at defendant's Huffman Shopping Center will restrict or impede her ability to pursue athletic activities in the future, despite her efforts to mitigate the effects of the traumatic injury she sustained.

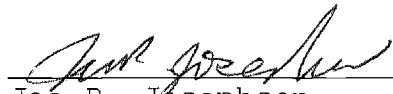
WHEREFORE, plaintiff prays for the recovery of damages, all resulting or to result from the negligence complained of:

- a. for past, present and future pain and suffering;
- b. for future loss income, if any;
- c. for the costs of medical care and physical therapy incurred;
- d. for the recovery of hedonistic damages; and
- e. for attorney fees and costs incurred or to be incurred

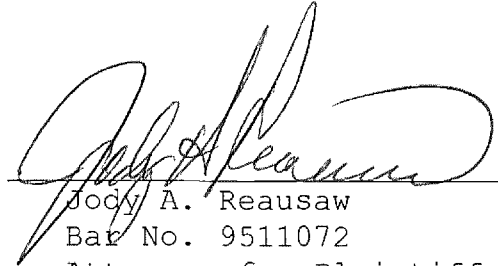
in the prosecution of this action; and

f. for such other, further or different relief as the court or jury may find just and proper.

DATED at Anchorage, Alaska, this 17th day of November, 2010.



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